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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/625,236	07/22/2003	Helen Castiglia	CASTIGLIA - 1	8621
7590 04/19/2005				
Bernard S. Hoffman 460 Old Town Road Suite 7F Port Jefferson Station, NY 11776			EXAMINER HUSAR, STEPHEN F	
			ART UNIT 2875	PAPER NUMBER

DATE MAILED: 04/19/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

AK

Office Action Summary	Application No. 10/625,236	Applicant(s) CASTIGLIA, HELEN	
	Examiner Stephen F. Husar	Art Unit 2875	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 January 2005 and 10 February 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 20 is/are allowed.
- 6) ☒ Claim(s) 1-4 and 9-19 is/are rejected.
- 7) ☒ Claim(s) 5-8 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

3. Claims 1-4 and 9-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Castiglia et al. (4573108) in view of Smith (39870834). Castiglia et al. shows in Fig.2; a vertical support "8" lined with current carrying conductors shown as vertical dashed lines with a plurality of current carrying rods "4" engaging at least one vertical support "8" and having as shown in Fig.3 electrical contacts "6" contacting the current carrying conductors of vertical support "8" so as to provide current through the current carrying rods "4" for engagement of electrical ornaments as shown in Fig. 1A. Castiglia et al. does not show as set forth in claims 1 and 9; a tree stand base with a voltage supply disposed in the base in which the vertical support engages the base. Smith teaches that it is known in the art as shown in Fig.1 to provide a tree stand base with a

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voltage supply contact to both support and supply current to the vertical current carrying trunk portion of a tree such as Castiglia et al for the purpose of providing a stable platform for providing electric current to the trunk and branches of a current carrying artificial tree. It would have been obvious to one of ordinary skill in the art at the time of the invention to provide a current carrying tree base to support Castiglia et als. vertical trunk portion as shown by Smith for the purpose of providing a stable current carrying base for electricity to the trunk and branch portions of an illuminated artificial tree. Re claim 2, as shown in Fig.1A separate contacts "5" on both sides of a resilient clasp "2" carry current to the ornament "1,10". Re claims 3 and 4, it is unclear whether Castiglia et als. current carrying trunk portion "8" has an aperture for a plug (claim 4) or an additional voltage supply contact (claim 3) at its top end. Smith teaches a series of vertical trunk sections "7,49,68" with apertures "36,50,77" for electrical plugs and additional voltage supply contacts between the trunk sections as shown in Fig.1 for the purpose of providing a collapsible current carrying tree trunk assembly. It would have been obvious to one of ordinary skill in the art at the time of the invention to a series of electrically connected trunk sections in Castiglia et al as taught by Smith for the purpose and advantage of providing a collapsible current carrying tree trunk assembly. Re claim 10, Castiglia et als. vertical support "8" in Fig.2 is a tree trunk. Re claim 11, note Castiglia et als. tree branch "4" in Fig.2. Re claims 16, Castiglia et al. shows in Fig.2 in the form of vertically spaced dashed lines, longitudinal current carrying conductors. Re claims 17-19, see Fig.3 and col.1, lines 10-47. Claims 12-15 distinguish over Castiglia et al. as modified by Smith only in that the low voltage transformer "9" shown in

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Castiglia et al. is integral with or disposed in the base. It is well known to make separate elements integral (see MPEP 2144.04; In re Larson, 340 F.2d 965,968. 144 USPQ 347,349 (CCPA 1965)). It would have been obvious to one of ordinary skill in the art at the time of the invention to make Castiglia's transformer integral with its base since the integration with the base support would eliminate the additional space taken up by a separate transformer especially at the electrical outlet.

Allowable Subject Matter

4. Claim 20 is allowed.
5. Claims 5-8 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Response to Arguments

6. Applicant's arguments with respect to claims 1-4 and 9-19 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not

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mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.


Stephen Husar
Primary Examiner